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TRANSMITTAL FORM

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Total Number of Pages in This Submission

3

Application Number

09/854,142

Filing Date

May 10, 2001

First Named Inventor

Ilse Bartke

Group Art Unit

1651

Examiner Name

Jon P. Weber

Attorney Docket Number

305T-900320US

ENCLOSURES (check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☒ Response to
Restriction
Requirement

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority
Document(s)

☐ Response to Missing Parts/
Incomplete Application

☐ Response to Missing
Parts under 37 CFR
1.52 or 1.53

☐ Assignment Papers
(for an Application)

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition Routing Slip (PTO/SB/69)
and Accompanying Petition

☐ Petition to Convert to a
Provisional Application

☐ Power of Attorney, Revocation
Change of Correspondence
Address

☐ Terminal Disclaimer

☐ Small Entity Statement

☐ Request for Refund

☐ After Allowance Communication
to Group

☐ Appeal Communication to Board
of Appeals and Interferences

☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Additional Enclosure(s)
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or
Individual name

Tom Hunter, Reg. No. 38,498,

Quine Intellectual Property Law Group P.C.

Signature

Date

October 25, 2002

CERTIFICATE OF MAILING

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ILSE BARTKE et al.

Application No.: **09/854,142**

Filed: **05/10/2001**

For: **NGF FOR THE PREVENTION OF
DEMYELINATION IN THE NERVOUS
SYSTEM.**

Examiner: Jon. P. Weber

Art Unit: **1651**

**RESPONSE TO RESTRICTION
REQUIREMENT**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This paper is filed in response to the Office Action dated September 26, 2002 containing a Restriction Requirement.

REMARKS

In the September 26, 2002 Office Action the Examiner required restriction to one of the following groups under 35 U.S.C. §121:

Group I: Claims 1-5, 12-15, and 17-25, drawn to a method of preventing demyelination of nerve cells; and

Group II: Claims 6-11, 16, and 26-28, drawn to an NGF composition.

In response to this restriction requirement, Applicants provisionally elect Group I, Claims 1-5, 12-15, and 17-25, with traverse.

Applicants submit that restriction between Groups I and II is unnecessary. According to MPEP §803, the Examiner should examine all claims in an application, even though they are directed to distinct inventions, unless to do so would create a serious burden. In the instant case, the claims of Group II are drawn to NGF compositions, while the claims of Group I are drawn to methods utilizing such compositions. A search for NGF compositions, is expected to identify prior

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art, if it exists, relevant the methods of use of such compositions as well. Thus, a search for art relevant to Groups I and II together, entails no greater burden than a search for art relevant to Group I alone. Accordingly, Examination of Groups I and II together entails no serious burden and the restriction between these groups should be withdrawn.

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (510) 337-7871.

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Respectfully submitted,



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